

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Crl. Rev. Pet. No. 1442 of 2006

**-----
CRA.121/2005 of SESSIONS COURT, KOZHIKODE
ST. 530/2004 of SPECIAL JUDICIAL MAGISTRATE OF FIRST CLASS
(MARAD CASES), KOZHIKODE.
-----**

REVN. PETITIONER/APPELLANT/ACCUSED.

**-----
M.V. MURSHID AHAMMED, S/O. AHAMMEDKOYA,
"MULLAVEETIL", P.O. KALLAI, KOZHIKODE-3.**

BY ADV. SRI. P.V. KUNHIKRISHNAN

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE.

-
- 1. K.V. ABDUL AZEEZ, S/O. HYDROSS,
ASHRA VILLA, MANKAVU P.O., KOZHIKODE-7.**
 - 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI. C. M. KAMMAPPU.
SRI. NIRMAL. S**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. HEMA, J.

CRL. R.P. NO. 1442 OF 2006

Dated this the 15th day of December, 2006.

O R D E R

The revision petitioner is the accused in S.T. No. 530 of 2004 on the file of Special Judicial Magistrate of First Class (Marad Cases), Kozhikode. First respondent is the complainant therein. Revision petitioner was convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay Rs. 6,75,000/- as compensation to the complainant and in default to undergo simple imprisonment for two months. In appeal filed by him, the conviction and direction for payment of compensation were confirmed, but sentence was modified by the Sessions Court, Kozhikode. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl. M.A. No. 12801 of 2006 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount involved is also paid by the petitioner to the satisfaction of the first respondent.

3. Learned counsel appearing for the revision petitioner submitted that the petitioner had deposited Rs. 20,000/- before the trial court during the pendency of the proceedings and a request is made that it may be returned to the first respondent-complainant. Both sides agreed that an order can be passed accordingly. Hence, the trial court is directed to release

Rs. 20,000/- in deposit in this case to the first respondent-complainant.

On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence. The revision petitioner is acquitted of offence under Section 138 of the Negotiable Instruments Act, as compounded. He is set at liberty forthwith.

Crl.M.A.No.12801 of 2006 and revision petition are allowed.

K. HEMA, JUDGE.

smp